



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John H. Westerbeke  
Serial No. : 09/862,973  
Filed : May 22, 2001  
Title : CONTROLLING EXHAUST TEMPERATURES  
Art Unit : 3747  
Examiner : Jason Benton

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PROVISIONAL NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated September 14, 2004, finally rejecting claims 1-18. This appeal notice is contingent upon the Examiner's final office action not being withdrawn as improper.

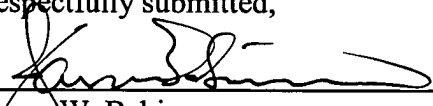
A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 3 month(s) to and including October 14, 2004 is enclosed, along with a response to the final rejection.

A check in the amount of \$170 for the appeal fee is not enclosed. If the final office action is not withdrawn, please apply this charge to Deposit Account No. 06-1050, with reference to Attorney Docket No. 00637-025001.

Date: October 14, 2004

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Respectfully submitted,

  
James W. Babineau  
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TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/14/04  
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Denise A. Rose  
Signature

Denise A. Rose  
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10/19/2004 JADD01 00000086 061050 09862973  
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